IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 1807 of 2007(M)

PETITIONER:

SULAIMAN, S/O.ALAVI,
AGED 55 YEARS, CHANDANATEYIL HOUSE,
KARIKKAT VILLAGE, DESOM, THRISSUR DISRICT.

BY ADV. SRI.JIJO PAUL
SRI.BABU S. NAIR

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE,
ERUMAPETTY POLICE STATION, THRISSUR DISTRICT.

2. THE SUPERINTENDENT OF POLICE,
THRISSUR.

BY GOVERNMENT PLEADER SRI.S.U.NAZER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 22.11.2003.

EXT.P2: TRUE COPY OF THE PLAINT IN O.S.NO.607/2003 OF THE MUNSIFF COURT, WADAKKANCHERY DATED 19.11.2003.

EXT.P3: TRUE COPY OF THE ALLEGED AGREEMENT DATED 16.12.2002 PRODUCED ALONG WITH THE PLAINT.

EXT.P4: TRUE COPY OF THE REPORT OF THE FINGER PRINT EXPERT OF FINGER PRINT BUREAU, TRIVANDRUM AS NO.X5/5697/FPB/2006 DATED 19.10.06.

EXT.P5: TRUE COPY OF THE REPORT ISSUED BY THE SCIENTIFIC ASSISTANT (DOCUMENTS) FORENSIC SCIENCE LABORATORY, TRIVANDRUM, AS NO.Cs-60/2005 DATED 15.03.2006.

/TRUE COPY/

P.A TO JUDGE

R. BASANT, J.

W.P.(C) NO. OF 1807 of 2007

Dated this the 5th day of March, 2007

JUDGMENT

The petitioner is the complainant and his complaint is that the offences punishable under Sections 420, 465 and 471 I.P.C have been committed by the accused. That document in respect of which the alleged offence was committed has been produced before the Munsiff Court and a report of the Forensic Science Laboratory has been obtained in such civil case before the learned Munsiff. The grievance of the petitioner is that the Investigating Officer is not completing the investigation.

2. The learned Government Pleader was directed to take instructions. A statement has been filed by the Circle Inspector of Police, Wadakkanchery, who is conducting the investigation into this case. The statement filed by the Circle Inspector shows that the original document has not been made available to the Investigating Officer.

3. It is for the Investigating Officer to apply to the learned Munsiff for permission for perusal of the document

concerned. When he makes such an application, the learned Munsiff must pass appropriate orders. After perusal of the records, if the Investigating Officer takes the decision that the document has to be sent for examination to the expert again for any reason, he must make a proper application before the learned Munsiff for release of the document to enable him to get such examination conducted. The learned Munsiff must pass appropriate order. The learned Munsiff may, if he finds that the document has got to be released, insist on substitution by production of a certified photostat copy of the document and consider release of the original to the Investigating Officer. Suffice it to say that the Investigating Officer must do the needful expeditiously and do everything necessary to complete the investigation at the earliest.

4. With the above observations, this Writ Petition is, allowed in part.

H/O **Sd/-**

(R. BASANT, JUDGE)

rtr/ **//true copy//** **P.A. To Judge**